

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MYRON G. BRANDON,

Plaintiff,

V.

DEPARTMENT OF CORRECTIONS
OF WASHINGTON, *et al.*.

Defendants.

CASE NO. 3:22-CV-5284-LK-DWC

**ORDER DENYING PLAINTIFF'S
MOTION**

Plaintiff Myron G. Brandon, proceeding *pro se*, filed this civil rights action under 42

U.S.C. § 1983. On November 15, 2022, the Court issued an Order (Dkt. 40) that, in part, directed the Clerk to re-docket Plaintiff’s “Surreply” (Dkt. 37) as a Response to the Motion to Dismiss (Dkt. 20). In addition, the Court denied Defendants’ Motion to Strike (Dkt. 39) that Response.

Noting that a Response had now been filed, the Court granted Defendants until November 29, 2022, to file a reply to the Motion to Dismiss. *See* Dkt. 40. Additionally, on November 16, 2022, the Court directed the Clerk to re-note the Motion to Dismiss for consideration on December 2,

1 2022. *See* Dkt. 41. The Order also directed that no further briefing on the Motion to Dismiss
2 beyond Defendants' reply would be accepted for filing. *See id.*

3 On the following day, November 17, 2022, Plaintiff filed the instant "Motion for
4 Certificate of Appealability." Dkt. 42. In the Motion, Plaintiff appears to be making further
5 arguments in reply to the Motion to Dismiss. *See id.* As such, the Court construes the Motion as
6 a Motion for leave to further reply to the Motion to Dismiss. As the Court has already directed
7 the parties that no further briefing beyond Defendants' reply to the Motion to Dismiss would be
8 accepted for filing (*see* Dkt. 41), the Court denies Plaintiff's Motion for leave to further reply.

9 Dkt. 42.

10 Dated this 16th day of December, 2022.

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12 David W. Christel
13 United States Magistrate Judge

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